

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. LAMBERTSON,
Plaintiff,
v.
G. D. LEWIS,
Defendant.

Case No. [12-cv-05122-JD](#)

ORDER DENYING MOTION

Re: Dkt. No. 73

Plaintiff, a state prisoner, proceeds with a pro se civil rights complaint under 42 U.S.C. § 1983. Plaintiff alleges that three Doe defendants failed to protect him from an assault by other inmates. While this claim is sufficient to proceed plaintiff must provide the identities of the defendants for service. Plaintiff was informed that he may seek such information through the California Public Records Act or any other means available such as seeking reports from his central file concerning the incident. Plaintiff was also sent Court document subpoenas with instructions on three separate occasions. Plaintiff was informed that he should fill out the subpoenas and return them to the Court so that the Clerk may issue the subpoena and the Marshal may serve it on the subpoenaed party. Plaintiff was told that he needed to fill in all of the necessary information, but must leave the signature line blank so that the Clerk may sign it. This is because as a pro se litigant, plaintiff needs the Court's Clerk to issue a subpoena. Fed. R. Civ. P. 45(a)(3).

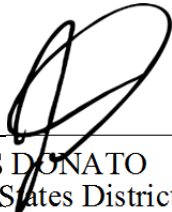
Plaintiff has still not returned the subpoenas to the Court. Within **twenty-one (21) days** plaintiff shall either return the subpoena or subpoenas to the Court so efforts can be made to find the identities of the Doe defendants or plaintiff shall inform the Court of the identities if he has discovered that information. Failure to respond will result in this case being dismissed. Plaintiff's

1 motion to correct a mistake (Docket No. 73) is **DENIED** because plaintiff must provide the
2 subpoenas to the Court for service and he was not provided subpoenas to depose a party.

3 **IT IS SO ORDERED.**

4 Dated: December 14, 2016

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



JAMES DONATO
United States District Judge

United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN D. LAMBERTSON,
Plaintiff,
v.
G. D. LEWIS,
Defendant.

Case No. [12-cv-05122-JD](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 14, 2016, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John D. Lambertson ID: V92821
Kern Valley State Prison
P.O. Box 5103
Delano, CA 93216

Dated: December 14, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
LISA R. CLARK, Deputy Clerk to the
Honorable JAMES DONATO